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November 10, 2022

VIA ECF

Hon. Dennis M. Cavanaugh
Special Master
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue, P.O. Box 2075
Morristown, New Jersey 07962

**Re: In re Valeant Pharmaceuticals International, Inc. Securities Litigation,
Master File No. 15-7658 (MAS)(LHG)**

Dear Judge Cavanaugh:

Defendants Valeant Pharmaceuticals International, Inc., n/k/a Bausch Health Companies Inc. ("Valeant") and J. Michael Pearson (together, "Defendants") write to request that the Court disregard the Direct Action Plaintiffs' procedurally improper Reply Statement of Undisputed Facts (the "Reply"). ECF No. 1062-1.

On August 1, 2022, Direct Action Plaintiffs filed a Statement of Undisputed Material Facts in Support of their Motion for Partial Summary Judgment (ECF No. 1010-2) pursuant to Local Rule of Civil Procedure 56.1. On September 28, 2022, Defendants filed their Response (ECF No. 1043-1) and a Supplemental Statement (ECF No. 1043-2) in compliance with Local Rule of Civil Procedure 56.1. On October 25, 2022, in addition to responding to Defendants' Supplemental Statement of Disputed Material Facts (as Rule 56.1 permits), Direct Action Plaintiffs impermissibly filed their Reply (which Rule 56.1 does not permit). This was an impermissible reply and should be stricken. *See Kumar v. Johnson & Johnson, Inc.*, 2014 WL 5512549, at *1 n.1 (D.N.J. Oct. 31, 2014) (Shipp, J.) (finding "replies to opponent's response to a movant's statement of undisputed material facts are not permitted by Local Rule 56.1"); *Paige v. City of New Brunswick*, 2015 U.S. Dist. LEXIS 69922, at *6 n.2 (D.N.J. May 29, 2015) (Shipp, J.) (same).

Accordingly, Defendants respectfully request that the Court disregard the Direct Action Plaintiffs' Reply. While Defendants do not believe formal briefing in the form of a motion to strike is necessary on this request, should the Court deem a formal motion necessary, Defendants would respectfully request leave to file a formal motion to strike.

Respectfully submitted,

/s/ Matthew Sklar

Matthew A. Sklar

November 10, 2022
Page 2

cc: All Counsel of Record (via ECF)